Q 2012/850

CONTRACTORS FOR THE PLANTING OF TREES AS PART OF THE CWDM GREENING PROJECT WITHIN THE STELLENBOSCH AREA OF THE CAPE WINELANDS DISTRICT MUNICIPALITY

COMPANY NAME: ........................................................................................................................................

POSTAL ADDRESS: ........................................................................................................................................

...................................................................................................................................................................

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department:  Financial Management Services
Supply Chain Management
Tel:  086 126 5263
Fax:  086 688 4173

NOTE:  Revised Preferential Procurement Regulations became effective on 7 December 2011.

Bidders wishing to be awarded points in terms of the Broad-Based Black Economic Empowerment Act must submit a certified copy of their Balanced Broad-Based Black Economic Empowerment Score Card. Failure to submit the abovementioned B-BBEE Score Card will result in the bidder only receiving the applicable points for price.

For more information please visit:

The Department of Trade and Industry:  http://bee.thedti.gov.za/
Independent Regulatory Board of Auditors:  http://irba.co.za/index.php
CAPE WINELANDS DISTRICT MUNICIPALITY

Q 2012/850

CONTRACTORS FOR THE PLANTING OF TREES AS PART OF THE CWDM GREENING PROJECT WITHIN THE STELLENBOSCH AREA OF THE CAPE WINELANDS DISTRICT MUNICIPALITY

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<td>15</td>
</tr>
</tbody>
</table>
A. QUOTATION NOTICE

Written Price Quotations are hereby invited for the planting of trees within the following areas within the STELLENBOSCH area of the Cape Winelands District Municipality.

- Idasvalley: 10 trees
- Kylemore: 10 trees
- Franschhoek (Groendal Primary): 25 trees
- Franschhoek (Dalubuhle Primary): 25 trees
- Pniel: 25 trees
- Lanquedoc: 100 trees
- Kayamandi: 30 trees
- Elsenburg Primary: 10 trees
- Elsenburg Residential Area: 50 trees
- Franschhoek (Wes-Eind Primary): 15 trees

Only 1 Contractor will be appointed for the area.

The amount of trees shown is the minimum amount of trees to be planted. Depending on the availability of funding, the amount of trees may become more, and the successful contractor will be paid accordingly based on the quoted unit price.

Documents are obtainable from the Supply Chain Management Unit of the Cape Winelands District Municipality at 29 Du Toit Street, Stellenbosch - Tel no 0861 265 263. Alternatively documents may be downloaded from the website: [www.capewinelands.gov.za](http://www.capewinelands.gov.za) → Supply Chain → View tenders and quotes → Quotations open.

Technical enquiries regarding this bid can be directed to Mr. AJ van der Merwe at telephone no. 021 888 5800.

Duly completed documents shall be enclosed in a sealed envelope and endorsed “Q 2012/850: CONTRACTORS FOR THE PLANTING OF TREES”, on the envelope. The sealed document shall be placed in the official tender box of the District Municipality’s offices at c/o Bird & Langenhoven Streets, Stellenbosch or Stellenbosch Municipality, 27 Huguenote Street, Franschhoek by no later than 11h00 on Wednesday 19 September 2012.

M MGAJO
MUNICIPAL MANAGER
B. GENERAL CONDITIONS OF QUOTATION

Unless otherwise stipulated, the Government Procurement: General Conditions of Contract, July 2010, will apply to this quotation and;

1. The prospective Bidder's attention is drawn to the following list of forms, attached to this document, and other documents that shall be completed and submitted with his/her bid documents:
   a) Official Quotation Form (Form E)
   b) Questionnaire – (List of partners/members/directors & B-BBEE Act) (Form F)
   c) Declaration by Supplier (Form G)
   d) Certificate of Independent Bid Determination - MBD 9 (Form H)
   e) A valid and originally certified B-BBEE Score Card (not a photo-copy of another certified copy)
   f) An original Tax Clearance Certificate issued by the South African Revenue Service
   g) Proof of registration for VAT (if applicable)

2. In terms of Section 112(1) (i) of the Local Government: Municipal Finance Act, 2003 (Act No 56 of 2003), persons who were convicted for fraud or corruption or who wilfully neglected, reneged on or failed to comply with a government tender during the past 5 years, or whose tax matters are not cleared by the South African Revenue Services may not participate in the bidding process and the bidder shall submit a sworn statement to this effect.

3. The official quotation form must be completed in BLACK ink and any corrections to the official quotation form must also be made in BLACK ink and signed by the bidder. Any Formal Written Price Quotation received with correction fluid (Tippex) corrections shall be disqualified.

4. Quotations that are not clearly endorsed, or which are received after the closing time and date will not be considered.

5. Telexed, faxed or e-mailed quotations will not be accepted.

6. The forms should be carefully completed and no errors will be condoned after bids have been opened.

7. The fact and action of handing in a quotation to the Council is accepted as a contract between the Council and the Bidder whereby such a quotation remains valid and available for a period of ninety (90) days, calculated from the closing date as advertised for the quotation, for acceptance, or non-acceptance by the Council. The bidder undertakes not to withdraw, or alter, the tender during this period.

   Notice of acceptance of the quotation by the Municipal Manager will be considered as a binding contract with effect from the date of such notice.

8. The bidder will be liable to take out forward cover to barricade him/her against fluctuation of the exchange rate in the event of importing any component, related to the quotation, from a country dealing in currency other than that of South Africa.

9. The Council does not bind itself to accept the lowest or any, quotation and reserves the right to accept any quotation in whole or part.
10. No prospective contractor will be allowed to sub-contract more than 25% of the contract value (excluding materials) to another enterprise. Any such offers will be rejected.

11. Please note that no bids will be considered from persons in the service of the State.

12. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

13. The bid of any person who canvasses or solicits, or causes to be canvassed or solicited, the support of any person employed by or in the service of the Employer or of the Consulting Engineer in favour of his offer, will not be considered.

14. The applicable 80/20 preferential points system as set out in the Revised Preferential Procurement Regulations will be used to evaluate individual tenders.

16. Bidders wishing to benefit from it must submit a valid and originally certified copy (not a photo-copy of another certified copy) of their Balanced Broad-Based Black Economic Empowerment Score Card. Failure to submit the abovementioned B-BBEE Score Card will result in the bidder only receiving the applicable points for price.

Regulation R502 of 8 June 2011 provides for a preference points system

**80/20 Points System for tenders with a value of >R30,000 to R1,000,000**

The points are awarded as follows:

- 80 points is awarded for the **lowest price** if it complies with the tender conditions.
- additional points is awarded for attaining the B-BBEE status level of contributor in accordance with the table below:

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>16</td>
</tr>
<tr>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
</tr>
</tbody>
</table>

**90/10 Points System for tenders with a value of >R1,000,000**

The points are awarded as follows:

- 90 points is awarded for the **lowest price** if it complies with the tender conditions.
- additional points is awarded for attaining the B-BBEE status level of contributor in accordance with the table below:

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
</tr>
</tbody>
</table>

IN TERMS OF LEGISLATION AN ORIGINAL TAX CLEARANCE CERTIFICATE MUST ACCOMPANY THIS TENDER.
C. CONTRACT DATA

Part 1: Data provided by the Employer

The Employer is: Cape Winelands District Municipality
PO Box 100, Stellenbosch, 7599

The Employer’s Telephone Number is: 0861265263
The Employer’s VAT Registration Number is: 4700193495

The designated contact person of the Cape Winelands District Municipality is:

Name: Andre van der Merwe
Telephone: 021 888 5800
E-mail: andre@capewinelands.gov.za

- The Service Provider is required to provide the Service with all reasonable care, diligence and skill.
- Copyright of documents prepared for the Project shall vest with the Employer.
- Interim settlement of disputes is to be by mediation.
- Final settlement of disputes is to be by arbitration.
- In the event that the parties fail to agree on a mediator, the mediator is nominated by the Employer.
- In the event that the parties fail to agree on an arbitrator, the arbitrator is nominated by the Employer.
- Neither the Employer nor the Service Provider is liable for any loss or damage resulting from any occurrence unless a claim is formally made within 24 months from the date of termination or completion of the Contract.

DATA PROVIDED BY THE SERVICE PROVIDER

The Service provider .......................................................... ..........................................................

Address ..............................................................................................
Telephone ..............................................................................................
Cellular phone: ..............................................................................................
Facsimile ..............................................................................................
E-mail: ..............................................................................................

The Service Provider’s Company Registration Number is: ..............................................................
The Service Provider’s Income Tax Reference Number is: ..............................................................
The Service Provider’s VAT Reference Number is: ..............................................................
The authorized and designated representative of the Service provider is:
Name: ..............................................................................................
D. TERMS OF REFERENCE

1. Trees and compost will be supplied by Cape Winelands District Municipality and will be available at the following offices: STELLENBOSCH, C/O BIRD & LANGENHOVEN STREET.

2. Contractor is required to supply transport for the trees from the above premises to the point of planting.

3. Contractor is required to do environmental education on the importance of the planting of trees, indigenous trees, global warming and the planting and maintenance of trees.

4. Contractor to motivate inhabitants of the designated residential area to participate in the project.

5. Contractor is required to plant the trees, by digging a hole twice the size of the tree planting bag, put 10dm of compost which will be supplied with the tree, in the hole, fill the hole with leftover soil, compact soil and water tree. Contractor is required to remove excessive soil.

6. Contractor needs to supply own tools to perform the work.

REMUNERATION

- No upfront payments will be made.
- Payments to the Service Provider will only be effected on completion of the project.
E. FORM OF OFFER AND ACCEPTANCE

OFFER

The Employer, identified in the acceptance signature block, has solicited offers to enter into a Contract in respect of the following works:


The bidder, identified in the offer signature block, has examined the documents listed in the quotation data and addenda thereto as listed in the quotation schedules, and by submitting this offer has accepted the Conditions of Quotations.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the Service Provider under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount of be determined in accordance with the conditions of contract identified in the Conditions of Contract.

<table>
<thead>
<tr>
<th>Area</th>
<th>Town</th>
<th>Qty</th>
<th>Unit Price</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>STELLENBOSCH</td>
<td>Idasvalley</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kylemore</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Franschhoek Groendal Primary</td>
<td>25</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Franschhoek Dalubuhle Primary</td>
<td>25</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pniel</td>
<td>25</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lanquedoc</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kayamandi</td>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Elsenburg Primary</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Elsenburg Residential Area</td>
<td>50</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Franschhoek Wes-Eind Primary</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Plus 14% VAT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This offer may be accepted by the Employer by signing the Acceptance part of this form of offer and acceptance and returning one copy of this document to the bidder before the end of the period of validity stated in the Conditions of Tender, whereupon the bidder becomes the party named as the Service Provider in the Conditions of Contract.

Signature(s): ...........................................................................................................................................

Name(s): ..................................................................................................................................................

Capacity for the Bidder: ............................................................................................................................

Name of organization.....................................................................................................................................

Name and Signature of Witness: ................................................. Date: ..........................
ACCEPTANCE

By signing this part of this form of offer and acceptance, the Employer identified below accepts the Bidders offer. In consideration thereof, the Employer shall pay the Service Provider the amount due in accordance with the Conditions of Contract identified in the contract that is the subject of this agreement.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender schedules as well as any changes to the terms of the offer agreed by the bidder and the Employer during this process of offer and acceptance, are contained in the schedule of deviations attached to, and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorized representative(s) of both parties.

The bidder shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer’s agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the Contract Data at, or just after, the date this agreement comes into effect. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the bidder receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the bidder (now Service Provider) within five days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

**ACCEPTANCE (to be completed by the Cape Winelands District Municipality)**


Name and address: Cape Winelands District Municipality, PO Box 100, Stellenbosch, 7599

Name: ........................................................................................................................................

Executive Director for the Employer: ..........................................................................................

Signature: ...................................................................................................................................

Name of Witness: ...........................................................................................................................

Signature: ....................................................................................................................................


F. QUESTIONNAIRE

<table>
<thead>
<tr>
<th>List all partners / members / directors of this enterprise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Van / Surname / Fiani</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
</tr>
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<td>----------------------------------------------------------</td>
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<td>----------------------------------------------------------</td>
</tr>
</tbody>
</table>

**BROAD-BASED BLACK ECONOMIC EMPOWERMENT (Act 53 of 2003)**

**LW!** Om Voorkeurpuntes te eis moet 'n gesertifiseerde afskrif van u Gebalanseerde Breë Basis Swart Ekonomiese Bemag-t tingstelkaart voorgelê word.

**NB!** To claim Preference points a certified copy of your Balanced Broad-Based Black Economic Empowerment Score Card must be submitted.

**QAPHELA!** Ukuba ufuna ukwenza ibango lamanqaku akhethekileyo, kufuneka ukuba isicelo sakho sithambu kunye nekunye ye Balanced Broad-Based Black Economic Empowerment Score Card eqinisekisiwiyo.

**Vir meer inligting besoek:** For more information please visit: Inkukach ezithe vetshe uzakuzifumana aph:


**Besigheid of persoon se naam:** / **Business or person's name:** / **Igama leshishini okanye lomntu**

**1.** Persentasie aandeelhouding van persone (HBI) in die besigheid wat histories benadeel is as gevolg van onregverdige diskriminasie gebaseer op ras.
   Percentage of shareholding of persons (HDI) in the business historically disadvantaged because of unfair discrimination based on **race**.
   Ipersenti yesabelo sabantu kwishishini elalisakuthinteleka ekuxhamleni amalungelo athile ngenxa yobandulululo ngokobuhlanga.

**2.** Persentasie aandeelhouding van persone (HBI) in die besigheid wat histories benadeel is as gevolg van onregverdige diskriminasie gebaseer op geslag.
   Percentage of shareholding of persons (HDI) in the business historically disadvantaged because of unfair discrimination based on **gender**.
   Ipersenti yesabelo sabantu kwishishini elalisakuthinteleka ekuxhamleni amalungelo athile ngenxa yobandulululo ngokwesini.

**3.** Persentasie aandeelhouding van persone (HBI) in die besigheid wat histories benadeel is as gevolg van onregverdige diskriminasie gebaseer op gestremdheid.
   Percentage of shareholding of persons (HDI) in the business historically disadvantaged because of unfair discrimination based on **disability**.
   Ipersenti yesabelo sabantu kwishishini elalisakuthinteleka ekuxhamleni amalungelo athile ngenxa yobandulululo ngokobulwelwe.

**4.** Persentasie aandeelhouding van persone geklassifiseer as jeug. (18 – 35 Jaar oud).
   Percentage of shareholding of persons in the business classified as **youth**. (18 – 35 Years old)
   Ipersenti labantu abanezabelo kwinkonzo zoshishino ababizwa ngokuba lulutsha (18 – 35 Yeminyaka)

**5.** Is u besigheid geleë binne die jurisdisksie van die Distriksmunisipaliteit? In / Uit
   Is your business established within the area of jurisdiction of the District Municipality? In / Out
   Ingaba ishishini lakho limi kwelingqini elawulwa nguMasipala wesithili? Ngaphakathi / Ngaphandle

**6.** Maak u gebruik van plaaslike arbeid (werskepping)? Ja / Nee
   Do you make use of local labour (job creation)? Yes / No
   Uyawasebenzi amathuba avelayo odalo lomsebenzi (ukudala umsebenzi)? Ewe / hayi

---

**In/Ngaphakathi**

**Ul/Uit/Ngaphandle**

**Ja/Yes/Ewe**

**Nee/No/Hayi**
G. DECLAARATION BY SUPPLIER

1. This document serves as a declaration to be used by the municipality in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system. No Contract will be awarded to persons in the service of the state.

2 (A) Any prospective supplier, having a kinship with persons in the service of the state, including a blood relationship, may in terms of current legislation register on the Municipality's Database. In view of possible allegations of favouritism, should a resulting bid, or part thereof, be awarded to suppliers connected with or related to persons in the service of the state, it is required that the supplier or his/her authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

2 (B) The request for registration on the Municipality's database may be rejected if the supplier or any of its directors/members/partners have:

(i) abused the municipality's supply chain management system or committed any improper conduct in relation to such system;
(ii) been convicted for fraud or corruption during the past five years;
(iii) willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years;
(iv) being a person whose tax matters are not cleared by the South African Revenue Services; or
(v) been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

3. In order to give effect to the above, the following questionnaire must be completed by each individual partner/member/director of this enterprise, and signed before a Commissioner of Oaths. (prepare copies of this declaration for each individual)

<p>| 3.1 | Print full Name: ...................................................................................................................................................................... |
| 3.2 | ID number........................................................................ Company/CC Reg. Nr .......................................................... |
| 3.3 | Are you presently in the service of the state? *  YES/NO |
| 3.3.1 | If so, furnish particulars: ............................................................................................................................................................... |
| 3.4 | Have you been in the service of the state for the past twelve months?  YES/NO |
| 3.4.1 | If so, furnish particulars: ............................................................................................................................................................... |
| 3.5 | Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of any prospective bid?  YES/NO |
| 3.5.1 | If so, furnish particulars: ............................................................................................................................................................... |
| 3.6 | Are you, aware of any relationship (family, friend, other) between a supplier and any persons in the service of the state who may be involved with the evaluation and or adjudication of any bid?  YES/NO |
| 3.6.1 | If so, furnish particulars: ............................................................................................................................................................... |
| 3.7 | Are any of your company's directors, managers, principle shareholders or stakeholders in the service of the state?  YES/NO |
| 3.7.1 | If so, furnish particulars: ............................................................................................................................................................... |
| 3.8 | Is any spouse, child or parent of your company's directors, managers, principle shareholders or stakeholders in the service of the state?  YES/NO |
| 3.8.1 | If so, furnish particulars: ............................................................................................................................................................... |
| 3.9 | Is the supplier or any of its directors/partners listed on the National Treasury's database as a company or person prohibited from doing business with the public sector?  YES/NO |
| 3.9.1 | If so, furnish particulars: ............................................................................................................................................................... |</p>
<table>
<thead>
<tr>
<th></th>
<th>Question</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.10</td>
<td>Is the supplier or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</td>
<td>YES/NO</td>
</tr>
<tr>
<td>3.10.1</td>
<td>If so, furnish particulars: ..................................................................................................................</td>
<td></td>
</tr>
<tr>
<td>3.11</td>
<td>Was the supplier or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?</td>
<td>YES/NO</td>
</tr>
<tr>
<td>3.11.1</td>
<td>If so, furnish particulars: ..................................................................................................................</td>
<td></td>
</tr>
<tr>
<td>3.12</td>
<td>Does the supplier or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?</td>
<td>YES/NO</td>
</tr>
<tr>
<td>3.12.1</td>
<td>If so, furnish particulars: ..................................................................................................................</td>
<td></td>
</tr>
<tr>
<td>3.13</td>
<td>Was any contract between the supplier and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform or comply with the contract?</td>
<td>YES/NO</td>
</tr>
<tr>
<td>3.13.1</td>
<td>If so, furnish particulars: ..................................................................................................................</td>
<td></td>
</tr>
</tbody>
</table>

**CERTIFICATION**

I, THE UNDERSIGNED, ........................................................................................................, IN MY

Full names and Surname

CAPACITY AS .......................................................................................................................... OF .................................................................

Designation Name of Business/Company/CC

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT. I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

..................................................................................................................................................

Signature Date

**Commissioner of Oaths**

Signed and sworn to before me at .......................................................... on this ..............day of ........................................... 20 ...... by the Deponent, who has acknowledged that he/she knows and understands the contents of this Affidavit, it is true and correct to the best of his/her knowledge and that he/she has no objection to taking the prescribed oath, and that the prescribed oath will be binding on his/her conscience.

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COMMISSIONER OF OATHS:

Apply official stamp of authority

Position: .................................................................................................................................

Address ..................................................................................................................................

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Telephone: .............................................................................................................................

* MSCM Regulations: “in the service of the state” means to be –

(a) a member of –

(i) any municipal council;

(ii) any provincial legislature; or

(iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or an employee of Parliament or a provincial legislature

This document is compulsory, in terms of Regulation 44 and 45 of the Supply Chain Management Regulations, to do business with any municipality – Failure to submit it will disqualify your quotation from the acquisitioning process.
H. CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)

1. This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a pe se prohibition meaning that it cannot be justified under any grounds.

3. Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
   a. take all reasonable steps to prevent such abuse;
   b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
   c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid rigging.

5. In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.
² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

........................................................................................................................................................................

(Bid Number and Description)

in response to the invitation for the bid made by: CAPE WINELANDS DISTRICT MUNICIPALITY

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of:..................................................................................................................................................... that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;

2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;

3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;

4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
   (a) Has been requested to submit a bid in response to this bid invitation;
   (b) Could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
   (c) Provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   (a) Prices;
   (b) Geographical area where product or service will be rendered (market allocation)
   (c) Methods, factors or formulas used to calculate prices;
   (d) The intention or decision to submit or not to submit, a bid;
   (e) The submission of a bid which does not meet the specifications and conditions of the bid; or
   (f) Bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

..........................................................................................................................  .................................................................
Signature                                      Date

..........................................................................................................................  .................................................................
Position                                      Name of Bidder

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.
I. CREDIT ORDER INSTRUCTION

It is the policy of the Cape Winelands District Municipality to pay all creditors by means of direct bank transfers. Please complete this information and acquire your banker’s confirmation.

Name of Firm or Bank Account Holder: .................................................................

Address: .......................................................................................................... .............................................................................................................

Name of Bank: ...............................................................................................

Name of Branch: .............................................................................................

Branch Code: .................................................................................................

Account Number: ..........................................................................................

Type of Account: .............................................................................................

I/we hereby request and authorise the Cape Winelands District Municipality to pay any amounts that may accrue to me/us to the credit of my/our bank account.

I/we understand that a payment advice will be supplied by the Cape Winelands District Municipality in the normal way that will indicate the date on which funds will be available in my/our bank account and details of payment.

I/we further undertake to inform the Cape Winelands District Municipality in advance of any change in my/our bank details and accept that this authority may only be cancelled by me/us by giving thirty days notice by prepaid registered post.

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